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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Todd W. Goforth

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EXAMINER

WONG, JEFFREY KEITH

ART UNIT

PAPER NUMBER

3714

MAIL DATE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/635,769	Applicant(s) GOFORTH ET AL.	
	Examiner Jeffrey K. Wong	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/20/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-20 is/are allowed.
- 6) ☒ Claim(s) 1-10, 21-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of the Application

1. This Office-Action acknowledges the After-Final Amendment filed on 11/20/2008 and is a response to said After-Final Amendment.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 9-10 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Hein, JR. et al., US Patent Application Publication 2004/0029637A1.

Regarding Claim 1.

A wager-based gaming machine comprising: one or more speakers(elem 140 and 145.); a master gaming controller adapted to process and facilitate the presentation of a wager-based game(elem 110. The CPU is viewed as the gaming controller); and a digital sound system comprising: at least one memory unit storing data(elem 115), wherein said data comprises one or more wave files, one or more sets of wave table data, or both(para 26. The CPU with associated memory may

Art Unit: 3714

provide digital sounds such as wav or mp3), and a digital signal processor configured to produce audio output for said one or more speakers(para 26. The digital signal processor on the sound card helps provide audio output), wherein said digital signal processor is adapted to perform at least one function selected from the group consisting of generating original audio output and modifying existing sound files(para 26. The digital signal processor helps provide the audio output); and a programmable logic device interposed between the master gaming controller and the digital sound system(fig, 1(a) and para 26. A typical sound card includes a digital signal processor (DSP) that handles most computations, a digital to analog converter (DAC) for audio leaving the card, a read-only memory (ROM) or Flash memory for storing data, and a jack for connecting to speakers. Read-only memory is viewed as a programmable logic device. In this case, the sound card is located between the CPU, which is viewed as the master gaming controller and the sound adjustment module, which is viewed as the digital sound system when combined with the speakers. The sound card, which contains the read-only memory, is viewed as containing the programmable logic device is depicted as interposed between those two.) such that said digital signal processor is unable to communicate directly to said master gaming controller (Fig 1(a). The diagram depicts one-way communications between the controller, elem 110, and the DPS, elem 120. Para 26. The CPU sends sound files to the sound card which is then outputted by the sound card to the speakers)

Art Unit: 3714

Regarding Claim 2.

The gaming machine of claim 1, wherein said digital sound system further comprises: an event sequencer interposed between the master gaming controller and the digital signal processor(elem 120), wherein said event sequencer converts instructions from the master gaming controller to instructions that can be executed by the digital signal processor(The sound card is viewed as possessing the event sequencer because it is used to receive instructions from the CPU and be executed by the DSP on the sound card).

Regarding Claim 3.

The gaming machine of claim 1, wherein said digital signal processor is configured to alter musical or tonal parameters while a sound file is playing(Abstract. The digital signal processor on the sound card is used to adjust the volume of the audio output).

Regarding Claim 4.

The gaming machine of claim 1, wherein said digital signal processor is configured to synthesize music in real-time(para 26. The digital signal processor is used to output audio to the speakers which is done in real-time).

Regarding Claim 5.

The gaming machine of claim 1, wherein said digital signal processor is configured to

Art Unit: 3714

provide audio output tailored to a player currently using the gaming machine(Abstract.
The volume of the music is adjusted by the digital signal processor).

Regarding Claim 9.

The gaming machine of claim 1, wherein said digital sound system comprises additional memory for storing audio processing algorithms for execution on the digital signal processor(para 50. Algorithms are used for determining the ambient noise and adjusting the volume control accordingly).

Regarding Claim 10.

The gaming machine of claim 1, wherein said event sequencer is installed in a manner that prevents the digital signal processor from effecting operation of the master gaming controller (para 27. Sound adjustment of the audio may be carried out using the sound card)

Regarding Claim 22.

The wager-based gaming machine of claim claim 1 wherein the programmable logic device converts instructions from said master gaming controller to instructions that can be executed by said digital signal processor(para 26. The CPU sends sound files to the memory of the sound card which is then outputted to the speakers)

Art Unit: 3714

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hein, JR. et al., US Patent Application Publication 2004/0029637A1 as applied to claim 1 above, and further in view of Walker et al, US Patent Application Publication 2002/0151366A1.

Regarding Claim 6.

Hein discloses the gaming machine of claim 4, but failed to disclose wherein said audio output is tailored by at least one or more parameters selected from the group consisting of language selection, gender selection, accent selection, and style selection. However, Walker discloses of an invention in which users can choose from a group of language to be implemented with the game terminal(Abstract) as a means of customizing a gaming machine device according to a player's desired configuration(Para 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the language selection of Walker's invention with the volume control of Hein's invention as a means of allowing players to customize their gaming machine as taught by Walker.

Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hein, JR. et al., US Patent Application Publication 2004/0029637A1 as applied to claim 1 above, and further in view of Chan, US Patent 6,411,926B1.

Regarding Claim 7, 8.

Hein discloses the gaming machine of claim 1 wherein said digital sound system further comprises a microphone (elem 150), but failed to disclose wherein said digital signal

Art Unit: 3714

processor is configured to recognize speech used by a player at or near the gaming machine.

However, Chang discloses of a voice recognition system that includes a digital signal processor(Abstract) that can be used as means of endowing machines with simulated intelligence to recognize user or user voice commands and to facilitate human interfaces with the machine(Col 1, lines 10-13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the digital signal processor used for volume control of Hein's invention can also be additionally used for voice recognition as means of endowing machines with simulated intelligence to recognize user or user voice commands and to facilitate human interfaces with the machine as taught by Chang.

Allowable Subject Matter

Claims 11-20 are viewed as allowable. The following is an examiner's statement of reasons for allowance: The prior art teaches of a system with a digital signal processor that is connected to an audio system that can be used for adjusting the volume control of a gaming machine. However, the prior art does not teach or suggest the limitation pertaining to a programmable logic device separate from and connected to said central processing unit with a digital signal processor being separate from and connected to said programmable logic device. It also doesn't teach of the programmables logic device's location relative to the the central processing unit and the digital signal

Art Unit: 3714

processor such that the programmable logic device can be found interposed between said central processing unit and said digital signal processor that said digital signal processor is unable to communicate directly to said central processing unit because the programmable logic device is located between the central processing unit and the digital signal processor and wherein said programmable logic device converts instructions from said central processing unit to instructions that can be executed by said digital signal processor. The prior art fails to teach of the specific functions of the programmable logic device and its inability to communicate with the central processing unit as well as its location within the invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Remarks

"Claim 1 is amended to include all claim elements previously recited in claim 21 (now cancelled) and thus corresponds to claim 21 rewritten in independent form. Claim 1 is therefore allowable as indicated in the Office Action. Claims 1-5 and 9-10 depend from claim 1 and are therefore submitted to be allowable at least for depending from an allowable base claim. Claim 22 is amended to reflect dependence from claim 1 instead

Art Unit: 3714

of claim 21 (cancelled).” The Examiner had reconsidered the amended claims and had found that the references provided reads on the newly amended claims and has re-written the Office-Action to reflect that.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey K. Wong whose telephone number is (571)270-3003. The examiner can normally be reached on M-Th 8:30am-7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, John Hotaling can be reached on (571)272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JKW
/Scott E. Jones/

Application/Control Number: 10/635,769

Page 10

Art Unit: 3714

Primary Examiner, Art Unit 3714